

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36114

STATE OF IDAHO,)	2009 Unpublished Opinion No. 634
)	
Plaintiff-Respondent,)	Filed: October 13, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
RONALD KENT JONES,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael R. Crabtree, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Elizabeth A. Koeckeritz, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge, GRATTON, Judge
and MELANSON, Judge

PER CURIAM

Ronald Kent Jones was charged with one count of felony attempted strangulation and one count of misdemeanor domestic battery and pursuant to a plea agreement, pled guilty to attempted strangulation, Idaho Code § 18-923. Jones was sentenced to a unified term of seven years, with three years determinate and the district court retained jurisdiction. After Jones completed his rider, the district court relinquished jurisdiction and ordered the sentence imposed. Jones filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Jones appeals, contending that the district court abused its discretion by denying his Rule 35 motion.

A Rule 35 motion is a request for leniency which is addressed to the sound discretion of the sentencing court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v.*

Allbee, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by denying Jones's Rule 35 motion for reduction of sentence. Accordingly, the order of the district court denying Jones's Rule 35 motion is affirmed.